

### AMENDMENT TO THE SPECIFICATION

Please replace the Deposit Information paragraph on page 17 and continuing on page 18 with the following rewritten paragraph:

Applicant[[s]] has[[have]] made a deposit of at least 2500 seeds of the cultivar of the present invention with the American Type Culture Collection (ATCC), Manassas, Virginia, 20110-2209 U.S.A., ATCC Accession Number No:           PTA-5164. During pendency of this application, access to the invention will be afforded to the Commissioner by request; all restrictions upon availability to the public will be irrevocably revoked upon granting of the patent; the [[This]] deposit of cultivar S52-U3 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Applicant has tested the viability of the deposit at the time of deposit. ~~Additionally,~~ Applicant[[s]] has[[have]] satisfied all the requirements of 37 C.F.R. §§1.801-1.809, ~~including providing an indication of the viability of the sample.~~ Applicant[[s]] imposes no restrictions on the availability of the deposited material from the ATCC; however, Applicant[[s]] has[[have]] no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant[[s]] does not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.).